

EXHIBIT M

1 THE HONORABLE THOMAS S. ZILLY
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BUNGIE, INC.,

11 Plaintiff,

12 v.

13 AIMJUNKIES.COM; PHOENIX
14 DIGITAL GROUP LLC; DAVID
SCHAEFER; JORDAN GREEN;
JEFFREY CONWAY; and JAMES MAY,

15 Defendants.

16 No. 2:21-cv-811-TSZ

17 **PLAINTIFF'S THIRD SET OF REQUESTS FOR PRODUCTION (NOS. 44-45) TO**
DEFENDANT PHOENIX DIGITAL GROUP, LLC

18 Pursuant to Federal Rules of Civil Procedure 26 and 34, Plaintiff Bungie, Inc. ("Plaintiff"
19 or "Bungie") hereby requests that Defendant Phoenix Digital Group, LLC ("Phoenix Digital")
20 produces for inspection and copying the documents and things within his possession, custody, or
21 control falling within the scope of the requests set forth below within thirty (30) days from the
22 date of service hereof, in accordance with the definitions and instructions below. Please produce
23 all responsive documents and things described herein within Phoenix Digital's possession,
24 custody, or control to the attention of William C. Rava at the law firm of Perkins Coie, LLP
25 located at 1201 Third Avenue, Suite 4900, Seattle, WA 98101-3099. These Requests are
26 continuing. As such, Phoenix Digital must supplement its responses and produce additional

PLAINTIFF'S THIRD SET OF RFPs TO
PHOENIX DIGITAL (NOS. 44-45)
(No. 2:21-CV-811-TSZ) - 1

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Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 responsive information in a timely manner in accordance with Federal Rule of Civil Procedure
 2 26(e) as additional or corrective information comes to their counsel's attention.

3 DEFINITIONS

4 The following definitions and instructions shall apply when responding to these requests
 5 for production:

6 1. "Phoenix Digital" shall mean Phoenix Digital Group LLC and any of its present
 7 and former directors, officers, employees, parent organizations, subsidiary organizations,
 8 predecessors in interest, successors in interest, partners, associates, agents, consultants,
 9 representatives, and any other person or entity action on its behalf, under its authority, or subject
 10 to its control.

11 2. "Defendants" shall refer collectively to Phoenix Digital, AimJunkies.com, David
 12 Schaefer, Jordan Green, Jeffrey Conway, and James May.

13 3. "Bungie" or "Plaintiff" shall mean Bungie, Inc. and any of its present and former
 14 directors, officers, employees, parent organizations, subsidiary organizations, predecessors in
 15 interest, successors in interest, partners, associates, agents, consultants, representatives, and any
 16 other person or entity action on its behalf, under its authority, or subject to its control.

17 4. "Cheat Software" shall mean the *Destiny 2* cheat software offered for sale on
 18 Defendants' website, AimJunkies.com.

19 5. "Action" refers to the lawsuit filed in the U.S. District Court, Western District of
 20 Washington at Seattle, entitled *Bungie, Inc. v. AimJunkies.com, et al.*, Case No. 2:21-cv-811-TSZ,
 21 including without limitation all claims, counterclaims, and defenses asserted therein.

22 6. "Document" and its plural shall mean anything that would be a writing or recording
 23 as defined in Rule 1001(1) of the Federal Rules of Evidence and/or falls within the scope of the
 24 term as defined in Rule 34(a) of the Federal Rules of Civil Procedure, and includes any written,
 25 printed, typed, recorded, magnetic, punched, copied, graphic, or other tangible thing in which
 26 information may be embodied, translated, conveyed, or stored. If a draft document has been

prepared in several copies that are not identical, or if the original identical copies are no longer identical due to subsequent notation, each non-identical document is a separate document.

7. "Thing" shall have the full meaning ascribed to it by the Federal Rules of Civil Procedure.

8. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise), and encompasses every medium of information transmittal, including but not limited to written, graphic, and electronic communication.

9. "Person" or "persons" means an individual, proprietorship, partnership, firm, corporation, association, governmental agency, or other organization or entity.

10. “Relate to” and “relating to” mean embodying, comprising, referring to, constituting, containing, consisting of, memorializing, evidencing, describing, reflecting, identifying, supporting, analyzing, discussing, mentioning, summarizing, stating, or pertaining in any way to, in whole or in part, the stated subject matter either directly or indirectly.

11. "And" and "or" shall be interpreted in their broadest sense and shall include both the disjunctive and the conjunctive, as required by the context, to bring within the scope of these interrogatories any information which might be otherwise deemed outside their scope by any other construction.

12. “Any” and “each” should be understood to encompass and include “all.”

13. Where appropriate, the singular form of a word should be interpreted in the plural and vice versa, to acquire the broadest possible meaning.

14. Bungie's use of terms, phrases, and definitions is for convenience and no term, phrase, or definition shall be construed as an admission by Bungie.

INSTRUCTIONS

1. These requests are to be answered separately and fully, in writing and under oath, within thirty (30) days of the date of service on you.

PLAINTIFF'S THIRD SET OF RFPs TO
PHOENIX DIGITAL (NOS. 44-45)
(No. 2:21-CV-811-TSZ) - 3

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1 2. The specificity of any later requests should not be construed to limit the generality
 2 or reach of these requests. Nor should the specificity of these requests be construed to limit the
 3 generality or reach of any later requests.

4 3. In responding to these requests for production, you are required to furnish all
 5 information that is available to you or subject to your reasonable inquiry, including information in
 6 the possession of your present and former attorneys, accountants, advisors, representatives, agents,
 7 employees, or other persons directly or indirectly employed by or connected with you, and anyone
 8 else otherwise subject to your control. All Documents that respond, in whole or in part, to any
 9 portion of the requests below shall be produced in their entirety, including all attachments and
 10 enclosures.

11 4. In producing the Documents and writings requested herein, produce them as kept
 12 in the ordinary course of business, in their original file folders, if any, or in lieu thereof, attach to
 13 the set of Documents produced from a given file a copy of all written or printed material on the
 14 original file folder. In addition, the Documents shall be produced in the same sequence as they are
 15 contained or found in the original file folder. The integrity and internal sequence of the requested
 16 Documents within each folder shall not be disturbed. Documents from one file folder should not
 17 be commingled with documents from any other file folder. Documents attached to each other
 18 should not be separated.

19 5. If you withhold or redact any Document by reason of a claim of privilege, for each
 20 of those Documents provide a record in a privilege log containing: (i) a sequential number
 21 associated with each privilege log record; (ii) the date of the Document; (iii) the identity of the
 22 persons who authored, signed, or otherwise prepared the Document; (iv) the identity of all persons
 23 designated as addressees or copyees; (v) a description of the contents of the document that, without
 24 revealing information itself privileged or protected, is sufficient to understand the subject matter
 25 of the document and the basis of the claim of privilege or immunity; (vi) the type or nature of the
 26 privilege asserted (e.g., attorney-client privilege, work product doctrine, etc.); and (vii) the

1 Document Numbers corresponding to the first and last page of any withheld or redacted document,
 2 if the document has been assigned any such document numbers.

3 6. If any Document or Thing requested herein has been lost, discarded, or destroyed,
 4 each such Document or Thing shall be identified as completely as possible, including, as to each
 5 such Document or Thing, its date, general nature (e.g., letter memorandum, telegram, telex,
 6 photograph, computer printout, etc.) subject matter, each author or originator, each Person
 7 indicated as an addressee or copy recipient or known by you to have received a copy of the
 8 Document or Thing, and its former custodian(s). In addition, as to each Document or Thing, the
 9 following information shall be supplied: (a) date of disposal, loss, or destruction; (b) manner of
 10 disposal, loss, or destruction; (c) the reason(s) for disposal or destruction or an explanation of loss;
 11 (d) Persons authorizing the disposal or destruction; (e) Persons having knowledge of the disposal,
 12 destruction, or loss; and (f) Persons who destroyed, lost, or disposed of the Document or Thing.

13 7. Any Document request that refers to a specific Document, group of Documents, or
 14 types of Documents within the request, and ask for production of Documents "relating to,"
 15 "referring to," or "discussing," or otherwise related to such Document or Documents is to be
 16 construed to require production of the specific Document or Documents so referenced in the
 17 request except as otherwise noted.

18 8. If you object to providing some, but not all, of the Documents and Things requested
 19 by any Request, state the objection, describe the Document and Things that you are unwilling to
 20 provide because of its objection, and describe and provide the Documents and Things that are not
 21 subject to the objection.

22 9. If no responsive Documents exist and reasonable search has been conducted for a
 23 requested category of Documents, please so indicate.

24 10. These requests for production of Documents require your ongoing supplementation
 25 in accordance with Federal Rule of Civil Procedure 26(e).

REQUESTS FOR PRODUCTION

REQUEST NO. 44:

Produce all documents reflecting or relating to the loader software used by Phoenix Digital to distribute the Cheat Software, including but not limited to a copy of the loader software, any instructions provided to consumers regarding the use of the loader software, any transfer of rights or agreements (e.g., lease or rental) related to the loader software, and any documents or communications referring or relating to the use of the loader software in connection with the Cheat Software.

REQUEST NO. 45:

Produce all documents reflecting or relating to the uploading of any cheat software to the AimJunkies.com website, including but not limited to any folder(s) on the website where developers would deposit cheat software, the FTP on or associated with the AimJunkies.com website where cheat software would be uploaded, and any instructions Phoenix Digital provides to developers to upload cheat software to AimJunkies.com.

DATED this 9th day of December, 2022

By: /s/Jacob P. Dini
William C. Rava, WSBA No. 29948
Jacob P. Dini, WSBA No. 54115
Christian W. Marcelo, WSBA No. 51193
Perkins Coie LLP
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Attorneys for Plaintiff Bungie, Inc.

PLAINTIFF'S THIRD SET OF RFPs TO
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CERTIFICATE OF SERVICE
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4 The undersigned hereby certifies that they served a true and correct copy of the foregoing
5 Plaintiff's First Set of Requests for Production to Phoenix Digital (Nos. 44-45) to the following
6 via the email addresses below:

7 Philip P. Mann
8 Mann Law Group PLLC
9 403 Madison Ave. N.
10 Suite 240
11 Bainbridge Island, WA 98110
12 Telephone: 206.855.8839
13 Facsimile: 866.341.5140
14 Email: phil@mannlawgroup.com

15 EXECUTED at Seattle, Washington, on December 9, 2022.
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